Exhibit A: Implicit's Proposed Constructions and Evidence

#	Claim Term	Implicit's Proposed Construction	Implicit's Supporting Evidence[1]
2A	"sequence of [two or more] routines" '683 Patent: Claims 1, 4, 5, 8, 9 '790 Patent: Claims 1, 3, 4, 5, 8, 10, 12, 15, 17, 18 '104 Patent: Claims 1, 3, 5, 10, 12, 13, 16 '780 Patent: Claims 1, 2, 3, 16, 20 '839 Patent: Claim 1 '378 Patent: Claims 1, 2, 3, 16, 17, 20	"an ordered arrangement of [two or more] software routines that was not identified (i.e., configured) prior to receiving a first packet of the message"	**Intrinsic:** '683 Patent: Figs. 1-5, 7A-C, 8, 9, 10, 11-16; Abstract, 1:7-15, 1:19-20, 1:24-38, 1:45-2:11, 2:37-3:13; 3:14-38; 3:39-67; 4:1-44; 4:45-5:5; 5:32-6:3; 6:4-67; 8:38-9:32; associated figures; '683 Patent claims 1, 2, 4-6, 8-10, 24, 28, 30; '790 Patent claims 8, 10, 12. **Extrinsic:** IEEE Dictionary (6th Ed. 1996) (definition of "routine"—"routine: a subprogram that is called by other programs and subprograms") IEEE Dictionary (6th Ed. 1996) (definition of "sequence" – "sequence: the order in which items are arranged") Microsoft Press Computer Dictionary (1997) (definition of "routine" – "routine: any section of code that can be invoked (executed) within a program. A routine usually has a name (identifier) associated with it and is executed by referencing that name. Related terms (which may or may not be exact synonyms, depending on the context) are function procedure, and subroutine.") U.S. Patent No. 7,730,211 All dictionaries, treatises, and textbooks identified by Defendants.

---

[1] Plaintiff reserves the right to rely upon, brief, and/or otherwise utilize any evidence identified by Defendants in this JCSS.

Exhibit A: Implicit's Proposed Constructions and Evidence

#	Claim Term	Implicit's Proposed Construction	Implicit's Supporting Evidence[1]
			Defendants' Invalidity Contentions, and any forthcoming Amended or Supplemental Invalidity Contentions and alleged art cited there, including the alleged prior art cited to meet this element. Documents that describe how Plaintiff's product, known as Portal or Strings, operated during the relevant time frame. All briefs, orders and statements from prior proceedings, and evidence cited therein, including those identified by Defendants, and specifically including those from *Implicit, LLC v. Trend Micro*, Case No. 6:16-cv-80-JRG (E.D. Tex.) (Dkt. 115), *Implicit, LLC v. Huawei Techs. USA, Inc.*, Case No. 6:17-cv-182-JRG (E.D. Tex.) (Dkt. 101); *Implicit, LLC v. NetScout Systems, Inc.*, Case No. 2:18-cv-53-JRG (E.D. Tex.) (Dkt. 111); *Implicit LLC v. F5 Networks, Inc.*, No. 14-cv-02856 (N.D. Cal.) (Dkt. 57); *Implicit Networks, Inc. v. F5 Networks, Inc.*, C10-4234-SI (N.D. Cal.) (Dkt. 69).
2B	"one or more routines" '780 Patent: Claims 1, 2, 3, 16, and 20 '378 Patent: Claims 1, 2, 3, 16, 17, and 20 '839 Patent: Claim 1	Plain and ordinary meaning. No construction necessary.	Implicit incorporates by reference its evidence identified in connection with "sequence of [two or more] routines," *supra*. **Intrinsic:** '780 File History, September 9, 2017 Preliminary Amendment & Applicant Arguments/Remarks Made in an Amendment '378 File History, July 23, 2018 Preliminary Amendment & Applicant Arguments/Remarks Made in an Amendment '839 File History, March 6, 2017 Preliminary Amendment & Applicant Arguments/Remarks Made in an Amendment.

Exhibit A: Implicit's Proposed Constructions and Evidence

#	Claim Term	Implicit's Proposed Construction	Implicit's Supporting Evidence[1]
			Extrinsic: IEEE Dictionary (6th Ed. 1996) (definition of "routine"—"routine: a subprogram that is called by other programs and subprograms") IEEE Dictionary (6th Ed. 1996) (definition of "sequence" – "sequence: the order in which items are arranged") Microsoft Press Computer Dictionary (1997) (definition of "routine" – "routine: any section of code that can be invoked (executed) within a program. A routine usually has a name (identifier) associated with it and is executed by referencing that name. Related terms (which may or may not be exact synonyms, depending on the context) are function procedure, and subroutine.") U.S. Patent No. 7,730,211 All dictionaries, treatises, and textbooks identified by Defendants. Defendants' Invalidity Contentions, and any forthcoming Amended or Supplemental Invalidity Contentions and alleged art cited there, including the alleged prior art cited to meet this element. Documents that describe how Plaintiff's product, known as Portal or Strings, operated during the relevant time frame. All briefs, orders and statements from prior proceedings, and evidence cited therein, including those identified by Defendants, and specifically including those from *Implicit, LLC v. Trend Micro*, Case No. 6:16-cv-80-JRG (E.D. Tex.) (Dkt. 115), *Implicit, LLC v. Huawei Techs. USA, Inc.*, Case No. 6:17-cv-182-JRG (E.D. Tex.) (Dkt. 101);

Exhibit A: Implicit's Proposed Constructions and Evidence

#	Claim Term	Implicit's Proposed Construction	Implicit's Supporting Evidence[1]
			Implicit, LLC v. NetScout Systems, Inc., Case No. 2:18-cv-53-JRG (E.D. Tex.) (Dkt. 111); *Implicit LLC v. F5 Networks, Inc.*, No. 14-cv-02856 (N.D. Cal.) (Dkt. 57); *Implicit Networks, Inc. v. F5 Networks, Inc.*, C10-4234-SI (N.D. Cal.) (Dkt. 69).
2C	"routines in the sequence of routines" '683 Patent: Claim 8	Plain and ordinary meaning. No construction necessary.	Implicit incorporates by reference its evidence identified in connection with "sequence of [two or more] routines," *supra*.
3	"list of conversion routines" '683 Patent: Claim 1	"an ordered arrangement of software routines for changing the form of data that was not identified (i.e. configured) prior to receiving a first packet of a message"	Implicit incorporates by reference its evidence identified in connection with "sequence of [two or more] routines," *supra*. Implicit also identifies: '683 Patent: Figs. 1, 3, 7A, 7B, 9, 10, 11, 12, 14, 15, 16, Abstract, 2:42-3:12; 4:1-44; 5:6-31; 5:58-59; 6:46-67; 14:6-11, associated figures; claims 1, 4-6, 8-10, 16, 24, 28, 30.
5	"a routine that is used to execute a Transmission Control Protocol (TCP) to convert one or more packets having a TCP format into a different format" "a routine that is executable to perform a Transmission Control Protocol (TCP) to convert at least one of the packets of the message into a different format" "a routine that is used to execute a Transmission Control Protocol (TCP) to convert packets having a TCP format into a different format" "a particular routine that is used to execute a Transmission Control	Plain and ordinary meaning. No construction necessary. Alternatively, "a software routine for processing the packet from the TCP layer to another layer in the protocol stack"	**Intrinsic:** '683 Patent: Abstract; Fig. 4, 1:24-44; 1:59-66; 3:62-67; 5:6-57; 6:56-50; 11:39-33; 14:4-17; associated figures; claims 1, 10, 13, 15, 17, 18, 20, 22, 24, 25, 27, 28, 29. '683 File History: Preliminary Amendment dated June 6, 2013 (IMPL_GRP.B_00009843 – 9863). '104 File History: Preliminary Amendment dated February 22, 2016. Reexamination Control No. 95/000,660, Declaration of Dr. Tze Sing Eugene Ng (IMPL 092267 – 272). Reexamination Control No. 95/000,660, Comments to ACP dated February 21, 2013 (IMPL 120158 – 120129).

Exhibit A: Implicit's Proposed Constructions and Evidence

#	Claim Term	Implicit's Proposed Construction	Implicit's Supporting Evidence[1]
	Protocol (TCP) to convert packets having a TCP format into a different format" '683 Patent: Claim 1 '790 Patent: Claims 1, 8, 15 '780 Patent: Claims 1, 16 '839 Patent: Claim 1 '378 Patent: Claims 1, 16		**Extrinsic:** November 26, 2019 Expert Report of Dr. Kevin Almeroth (and the materials cited therein) October 3, 2017 Deposition of Daniel Decasper at 22:5-10. Tannenbaum, Computer Networks, 3d Ed. At 410-412, 543-544, 561-568; Fig. 1-17; Fig. 1-18. *See, e.g.*, Miller, Next-Generation Firewalls for Dummies (Palo Alto Networks), at 6. U.S. Patent No. 7,730,211 All dictionaries, treatises, and textbooks identified by Defendants. IMPL033892; IMPL 120224; IMPL 146189; IMPL 120223; IMPL 033889; IMPL120193-221; IMPL 049938-944; IMPL 050520-556; IMPL 024649-661; IMPL 034999-5000; IMPL 123957- 985; IMP3_0005647-5658. DEFSPA182326 - 342. msg.c (produced natively in DEFSPA068864) eth.h (produced natively in DEFSPA068864) msg_p.h (produced natively in DEFSPA068864) tcpip.h (produced natively in DEFSPA068862) skbuff.h (produced natively in DEFSPA068864)

Exhibit A: Implicit's Proposed Constructions and Evidence

#	Claim Term	Implicit's Proposed Construction	Implicit's Supporting Evidence[1]
			https://www-01.ibm.com/servers/resourcelink/svc00100.nsf/pages/zOSV2R3sc147308/$file/cbclx01_v2r3.pdf. https://docs.microsoft.com/en-us/cpp/overview/languages-cpp?view=vs-2019. https://www.gnu.org/software/gnu-c-manual/gnu-c-manual.pdf. *International Business Machines*, Local Area Concepts and Products: Routers and Gateways (May, 1996), IMPL 077955 – IMPL 078254 (cited on '683 Patent, at [56]). *Implementing Communication Protocols in Java* (October, 1998), IMPL 071524 – 530 (cited on '683 Patent, at [56]). *Implementing Protocols in Java: The Price of Portability* (1998), IMPL 083902 – 910 (cited on '683 Patent, at [56]). U.S. Patent No. 6,115,393 (cited by '683 Patent, at [56]), at 21:15–30. http://www.skbuff.net/images/skbuff.png. http://www.skbuff.net/skbbasic.html. *TCP/IP Illustrated Volume 2: The Implementation*, Gary R. Wright and W. Richard Stevens. *Message Library Design Notes*, David Mosberger (Jan. 1996).

Exhibit A: Implicit's Proposed Constructions and Evidence

#	Claim Term	Implicit's Proposed Construction	Implicit's Supporting Evidence[1]
			Scout: A Path-Based Operating System, David Mosberger (1997) (IMPL 020062 – 235). Defendants' Invalidity Contentions, and any forthcoming Amended or Supplemental Invalidity Contentions and alleged art cited there, including the alleged prior art cited to meet this element. Documents and source code that describe how Plaintiff's product, known as Portal or Strings, operated during the relevant time frame. All extrinsic evidence identified by Defendants. All briefs, orders and statements from prior proceedings, and evidence cited therein, including those identified by Defendants, and specifically including those from *Implicit, LLC v. Trend Micro*, Case No. 6:16-cv-80-JRG (E.D. Tex.) (Dkt. 115), *Implicit, LLC v. Huawei Techs. USA, Inc.*, Case No. 6:17-cv-182-JRG (E.D. Tex.) (Dkt. 101); *Implicit, LLC v. NetScout Systems, Inc.*, Case No. 2:18-cv-53-JRG (E.D. Tex.) (Dkt. 111); *Implicit LLC v. F5 Networks, Inc.*, No. 14-cv-02856 (N.D. Cal.) (Dkt. 57); *Implicit Networks, Inc. v. F5 Networks, Inc.*, C10-4234-SI (N.D. Cal.) (Dkt. 69).
6	"a session associated with a transport layer protocol that is executed to convert one or more packets in a transport layer format into a different format" '683 Patent: Claim 10	Plain and ordinary meaning. No construction necessary. Alternatively, "a session corresponding to a software routine for processing the packet from the transport layer to another layer in the protocol stack"	Implicit incorporates by reference all evidence listed in support of term No. 5, "a routine that is used to execute a Transmission Control Protocol (TCP) to convert one or more packets having a TCP format into a different format," and like terms, above.

Exhibit A: Implicit's Proposed Constructions and Evidence

#	Claim Term	Implicit's Proposed Construction	Implicit's Supporting Evidence[1]
7A	"a second routine that is used to execute a second, different protocol to convert packets of the different format into another format" '683 Patent: Claim 2 '790 Patent: Claim 3	Plain and ordinary meaning. No construction necessary.	Implicit incorporates by reference all evidence listed in support of term No. 5, "a routine that is used to execute a Transmission Control Protocol (TCP) to convert one or more packets having a TCP format into a different format," and like terms, above.
7B	"a [third] routine that is used to execute a [third], different [application layer] protocol to further convert the packets" '683 Patent: Claim 2 '790 Patent: Claim 4	Plain and ordinary meaning. No construction necessary.	Implicit incorporates by reference all evidence listed in support of term No. 5, "a routine that is used to execute a Transmission Control Protocol (TCP) to convert one or more packets having a TCP format into a different format," and like terms, above.
11	"a routine that is used to execute a Transmission Control Protocol (TCP) to process packets having a TCP format" "a routine that is used to execute TCP to process at least one of the subsequent packets having a TCP format" '104 Patent: Claims 1, 10, 16	Plain and ordinary meaning. No construction necessary.	Implicit incorporates by reference all evidence listed in support of term No. 5, "a routine that is used to execute a Transmission Control Protocol (TCP) to convert one or more packets having a TCP format into a different format," and like terms, above.
12	"a second routine that is used to execute a second protocol to process packets having a format other than the TCP format, wherein the second protocol is an application-level protocol"	Plain and ordinary meaning. No construction necessary.	Implicit incorporates by reference all evidence listed in support of term No. 5, "a routine that is used to execute a Transmission Control Protocol (TCP) to convert one or more packets having a TCP format into a different format," and like terms, above.

Exhibit A: Implicit's Proposed Constructions and Evidence

#	Claim Term	Implicit's Proposed Construction	Implicit's Supporting Evidence[1]
	'104 Patent: Claim 3		
14	"session associated with a [transport layer/different] protocol" "another session associated with a different protocol that is executed, wherein the different protocol corresponds to the different format" '683 Patent: Claim 10	Plain and ordinary meaning. No construction necessary.	**Intrinsic:** '683 Patent: Abstract; Fig. 4, 1:35-36; 1:59-66; 3:62-67; 5:6-57; 6:56-50; 11:39-33; 14:4-17; associated figures; claims 1, 10, 13, 15, 16, 17, 18, 20, 22, 24, 25, 27, 28, 29. '683 File History: Preliminary Amendment dated June 6, 2013. '104 File History: Preliminary Amendment dated February 22, 2016. **Extrinsic:** Tannenbaum, Computer Networks, 3d Ed. At 410-412, 543-544, 561-568. U.S. Patent No. 7,730,211 All dictionaries, treatises, and textbooks identified by Defendants. Defendants' Invalidity Contentions, and any forthcoming Amended or Supplemental Invalidity Contentions and alleged art cited there, including the alleged prior art cited to meet this element. Documents that describe how Plaintiff's product, known as Portal or Strings, operated during the relevant time frame. All briefs, orders and statements from prior proceedings, and evidence cited therein, including those identified by Defendants, and specifically including those from *Implicit, LLC v. Trend Micro*, Case No. 6:16-cv-80-JRG (E.D. Tex.) (Dkt. 115), *Implicit, LLC v. Huawei*

Exhibit A: Implicit's Proposed Constructions and Evidence

#	Claim Term	Implicit's Proposed Construction	Implicit's Supporting Evidence[1]
			Techs. USA, Inc., Case No. 6:17-cv-182-JRG (E.D. Tex.) (Dkt. 101); *Implicit, LLC v. NetScout Systems, Inc.*, Case No. 2:18-cv-53-JRG (E.D. Tex.) (Dkt. 111); *Implicit LLC v. F5 Networks, Inc.*, No. 14-cv-02856 (N.D. Cal.) (Dkt. 57); *Implicit Networks, Inc. v. F5 Networks, Inc.*, C10-4234-SI (N.D. Cal.) (Dkt. 69).
15	"a TCP session associated with [the received] one or more [received] packets" "a single TCP session" '790 Patent: Claim 20 '780 Patent: Claim 13	Plain and ordinary meaning. No construction necessary.	Implicit incorporates by reference all evidence listed in support of term No. 5, "a routine that is used to execute a Transmission Control Protocol (TCP) to convert one or more packets having a TCP format into a different format," and like terms, above. Implicit further identifies the following: **Intrinsic:** '683 Patent: Abstract; Fig. 4, 1:35-36; 1:59-66; 3:62-67; 5:6-57; 6:56-50; 11:39-33; 14:4-17; associated figures; claims 1, 10, 13, 15, 15, 17, 18, 20, 22, 24, 25, 27, 28, 29. '683 File History: Preliminary Amendment dated June 6, 2013. '104 File History: Preliminary Amendment dated February 22, 2016. **Extrinsic:** Tannenbaum, Computer Networks, 3d Ed. At 410-412, 543-544, 561-568. U.S. Patent No. 7,730,211 All dictionaries, treatises, and textbooks identified by Defendants.

Exhibit A: Implicit's Proposed Constructions and Evidence

#	Claim Term	Implicit's Proposed Construction	Implicit's Supporting Evidence[1]
			Defendants' Invalidity Contentions, and any forthcoming Amended or Supplemental Invalidity Contentions and alleged art cited there, including the alleged prior art cited to meet this element. Documents that describe how Plaintiff's product, known as Portal or Strings, operated during the relevant time frame. All briefs, orders and statements from prior proceedings, and evidence cited therein, including those identified by Defendants, and specifically including those from *Implicit, LLC v. Trend Micro*, Case No. 6:16-cv-80-JRG (E.D. Tex.) (Dkt. 115), *Implicit, LLC v. Huawei Techs. USA, Inc.*, Case No. 6:17-cv-182-JRG (E.D. Tex.) (Dkt. 101); *Implicit, LLC v. NetScout Systems, Inc.*, Case No. 2:18-cv-53-JRG (E.D. Tex.) (Dkt. 111); *Implicit LLC v. F5 Networks, Inc.*, No. 14-cv-02856 (N.D. Cal.) (Dkt. 57); *Implicit Networks, Inc. v. F5 Networks, Inc.*, C10-4234-SI (N.D. Cal.) (Dkt. 69).
16	"sessions corresponding to [various/respective] ones of the sequence of [two or more] routines" '790 Patent, Claims 5, 12, 17 '104 Patent: Claim 5, 12	Plain and ordinary meaning. No construction necessary.	**Intrinsic:** '683 Patent: Abstract; Fig. 4, 1:35-36; 1:59-66; 3:62-67; 5:6-57; 6:56-50; 11:39-33; 14:4-17; associated figures; claims 1, 10, 13, 15, 16, 17, 18, 20, 22, 24, 25, 27, 28, 29. '683 File History: Preliminary Amendment dated June 6, 2013. '104 File History: Preliminary Amendment dated February 22, 2016. **Extrinsic:** Tannenbaum, Computer Networks, 3d Ed. at 410-412, 543-544, 561-568.

Exhibit A: Implicit's Proposed Constructions and Evidence

#	Claim Term	Implicit's Proposed Construction	Implicit's Supporting Evidence[1]
			U.S. Patent No. 7,730,211 All dictionaries, treatises, and textbooks identified by Defendants. Defendants' Invalidity Contentions, and any forthcoming Amended or Supplemental Invalidity Contentions and alleged art cited there, including the alleged prior art cited to meet this element. Documents that describe how Plaintiff's product, known as Portal or Strings, operated during the relevant time frame. All briefs, orders and statements from prior proceedings, and evidence cited therein, including those identified by Defendants, and specifically including from *Implicit, LLC v. Trend Micro*, case no. 6:16-cv-80-JRG (E.D. Tex.) (Dkt. 115), *Implicit, LLC v. Huawei Techs. USA, Inc.*, case no. 6:17-cv-182-JRG (E.D. Tex.) (Dkt. 101); *Implicit, LLC v. NetScout Systems, Inc.*, case no. 2:18-cv-53-JRG (E.D. Tex.) (Dkt. 111); *Implicit LLC v. F5 Networks, Inc.*, No. 14-cv-02856 (N.D. Cal.) (Dkt. 57); *Implicit Networks, Inc. v. F5 Networks, Inc.*, C10-4234-SI (N.D. Cal.) (Dkt. 69).